

PATENT
Attorney Docket No. P04839US0
PHI 1312

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENTEE: **WEBER, Gerhard P.**
PATENT NO: **6,797,868 B1**
ISSUED: September 28, 2004
TITLE: **HYBRID MAIZE PLANT AND SEED 39R34**

**REQUEST FOR CERTIFICATE OF CORRECTION OF PATENT
FOR PTO MISTAKE (37 CFR § 1.322(a))**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
ATTN: Decision and Certificate of Correction
Branch of the Patent Issue Division

Certificate
OCT 26 2004
of Correction

Dear Sir:

Attached, in duplicate, is Form PTO-1050, with at least one copy being suitable for printing.

The exact page and line number where the errors are shown correctly in the application file are:

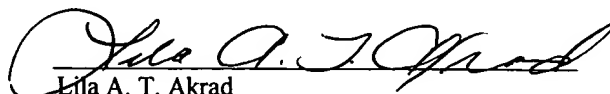
CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

MAILING
☒ deposited with the United States Postal Service with sufficient postage as First Class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, ATTN: Decision and Certificate of Correction Branch of the Patent Issue Division.

FACSIMILE
☐ transmitted by facsimile to the Patent and Trademark Office, Art Unit _____ at Fax No. (703) 872-_____.

Date: 10/21/04

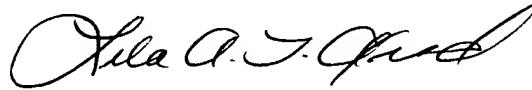

Lila A. T. Akrad

OCT 26 2004

Page 2, lines 8, 13, 14 and 20; page 3, lines 9 and 31; page 4, lines 2, 9, 16 and 22; page 5, line 11; and page 6, lines 1, 2, 4 and 9 of the Letter Accompanying Amendment After Allowance filed April 2, 2004.

Please send the Certificate to: Lila A. T. Akrad, McKee, Voorhees & Sease, P.L.C., 801 Grand Avenue, Suite 3200, Des Moines, IA 50309-2721.

Respectfully submitted,



LILA A. T. AKRAD, Reg. No. 52,550
McKEE, VOORHEES & SEASE, P.L.C.
801 Grand Avenue, Suite 3200
Des Moines, Iowa 50309-2721
Phone No. (515) 288-3667
Facsimile No. (515) 288-1338

CUSTOMER NO: 27142
Attorneys of Record

- pw -

OCT 26 2004

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO : 6,797,868 B1
DATED : September 28, 2004
INVENTOR(S) : WEBER, Gerhard P.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 34, line 53:

the ATCC on ~~Sept. 9, 2003~~ ~~Sept. 15, 2003~~ September 9, 2003, September 15, 2003 and May 6, 2002,

Column 34, line 61:

request[[],] . Upon allowance of any claims in the application,

Column 34, line 62:

the Applicant will make available to the public, pursuant to 37 C.F.R. § 1.808,

Column 35, line 6:

becomes nonviable ~~during~~ during that period. Additionally, Appli-

Column 35, line 20:

3. Pollen of the plant of claim 2.

Column 35, line 35:

plant and harvesting the resultant F1 ~~hybird~~ hybrid seed.

Column 35, line 38:

~~hybird~~ hybrid maize plant 39R34, representative seed of said plant

Column 35, line 47:

another maize line that ~~comprise~~ comprises a desired trait, to

Column 35, line 57:

(d) selecting for ~~backs~~ backcross progeny plants that have the

MAILING ADDRESS OF SENDER:

PATENT NO. 6,797,868 B1

Lila A. T. Akrad, Reg. No. 52,550
McKee, Voorhees & Sease, P.L.C.
801 Grand Avenue, Suite 3200
Des Moines, IA 50309-2721

No. of additional copies

page 1 of 2



This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

OCT 26 2004

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO : 6,797,868 B1
DATED : September 28, 2004
INVENTOR(S) : WEBER, Gerhard P.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 36, line 1:
~~hybird~~ hybrid maize variety 39R34 with the desired trait and

Column 36, line 20:
sterility and the trait is conferred by a ~~cytoplasmile~~ cytoplasmic nucleic

Column 36, line 46:
~~(i)~~ (f) crossing said fourth or higher backcross progeny plant

Column 36, line 47:
with the other inbred maize ~~patent~~ parent plant to produce a

Column 36, line 51:
39R34 listed in Table 1 as ~~defined~~ determined at the 5% signify-

Column 36, line 52:
cance level when ~~gown~~ grown in the same environmental

Column 36, line 57:
hybrid maize variety ~~39R34listed~~ 39R34 listed in Table 1 as determined

MAILING ADDRESS OF SENDER:

PATENT NO. 6,797,868 B1

Lila A. T. Akrad, Reg. No. 52,550
McKee, Voorhees & Sease, P.L.C.
801 Grand Avenue, Suite 3200
Des Moines, IA 50309-2721

No. of additional copies

page 2 of 2

➡ 1

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION**

PATENT NO : 6,797,868 B1
DATED : September 28, 2004
INVENTOR(S) : WEBER, Gerhard P.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 34, line 53:
the ATCC on ~~Sept. 9, 2003 Sept. 15, 2003~~ September 9, 2003, September 15, 2003 and May 6, 2002,

Column 34, line 61:
request[[,] . Upon allowance of any claims in the application,

Column 34, line 62:
the Applicant will make available to the public, pursuant to 37 C.F.R. § 1.808,

Column 35, line 6:
becomes nonviable ~~during~~ during that period. Additionally, Appli-

Column 35, line 20:
3. Pollen of the plant of claim 2.

Column 35, line 35:
plant and harvesting the resultant F1 ~~hybird~~ hybrid seed.

Column 35, line 38:
~~hybird~~ hybrid maize plant 39R34, representative seed of said plant

Column 35, line 47:
another maize line that ~~comprise~~ comprises a desired trait, to

Column 35, line 57:
(d) selecting for ~~backs~~ backcross progeny plants that have the

MAILING ADDRESS OF SENDER:

PATENT NO. 6,797,868 B1

Lila A. T. Akrad, Reg. No. 52,550
McKee, Voorhees & Sease, P.L.C.
801 Grand Avenue, Suite 3200
Des Moines, IA 50309-2721

No. of additional copies

page 1 of 2

➡ 1

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

OCT 26 2004

**UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION**

PATENT NO : 6,797,868 B1
DATED : September 28, 2004
INVENTOR(S) : WEBER, Gerhard P.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 36, line 1:
~~hybird~~ hybrid maize variety 39R34 with the desired trait and

Column 36, line 20:
sterility and the trait is conferred by a ~~eytoplasmile~~ cytoplasmic nucleic

Column 36, line 46:
~~(i)~~ (f) crossing said fourth or higher backcross progeny plant

Column 36, line 47:
with the other inbred maize ~~patent~~ parent plant to produce a

Column 36, line 51:
39R34 listed in Table 1 as defined ~~determined~~ determined at the 5% signify-

Column 36, line 52:
cance level when ~~gown~~ grown in the same environmental

Column 36, line 57:
hybrid maize variety ~~39R34listed~~ 39R34 listed in Table 1 as determined

MAILING ADDRESS OF SENDER:

Lila A. T. Akrad, Reg. No. 52,550
McKee, Voorhees & Sease, P.L.C.
801 Grand Avenue, Suite 3200
Des Moines, IA 50309-2721

PATENT NO. 6,797,868 B1

No. of additional copies

page 2 of 2

➡ 1

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

OCT 2 10 4
P8 METRO
0.60
100103112 10021401

FIRST CLASS MAIL

RECEIVED
OCT 2 5 2004
USPTO MAIL CENTER

MCKEE VOORHEES & SEASE, P.C.
ATTORNEYS AT LAW
301 GRAND AVENUE • SUITE 3200 • DES MOINES, IOWA 50309-2721

MVS

Attn: Decision and Certificate of Correction
Branch of the Patent Issue Division
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

